

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201901117	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/31/2018 7:00 PM	Location of Incident: In front of 317 West 125th Street in Manhattan, 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Mon, 12/03/2018 12:40 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/03/2018 12:40 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Senta Caleb	00000	934563	028 PCT
2. SGT Elvetia Mascol	03789	933972	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Geidy Vicente	17738	952322	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Elvetia Mascol	Off. Language: Sergeant Elvetia Mascol made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
B.SGT Elvetia Mascol	Discourtesy: Inside the 28th Precinct stationhouse, Sergeant Elvetia Mascol spoke discourteously to § 87(2)(b)	
C.LT Senta Caleb	Abuse: Inside the 28th Precinct stationhouse, Lieutenant Senta Caleb threatened to arrest § 87(2)(b)	

Summary of Complaint

On December 3, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

On August 31, 2018, at approximately 6:00 p.m., § 87(2)(b) had double-parked her vehicle outside of 317 West 125th Street in Manhattan. PO Geidy Vicente and Sgt. Evetia Mascol from the 28th Precinct approached § 87(2)(b)'s vehicle. § 87(2)(b) insulted Sgt. Mascol, and Sgt. Mascol responded by calling § 87(2)(b) a bitch (**Allegation A: Offensive Language**, § 87(2)(g)). PO Vicente issued § 87(2)(b) a parking summons, and the officers left.

At approximately 7:00pm, § 87(2)(b) and § 87(2)(b) traveled to the 28th Precinct stationhouse to file a complaint about her previous encounter. As she provided details of her complaint, PO Geidy Vicente and Sergeant Elvetia Mascol approached. Sgt. Mascol spoke discourteously to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)). As § 87(2)(b) and Sergeant Mascol argued, § 87(2)(b) had her phone in her hand. Lieutenant Senta Caleb threatened to arrest § 87(2)(b) if she did not put her phone away (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) left the stationhouse.

Body-worn camera footage was not available because officers from the 28th Precinct were not equipped with BWC on the date of incident.

Findings and Recommendations

Allegation (A) Offensive Language: Outside 317 West 125th Street, Sergeant Elvetia Mascol made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

On December 7, 2018, § 87(2)(b) provided a sworn statement to the CCRB in which she affirmed that on August 31, 2018, at approximately 6:00 p.m., she double-parked her vehicle outside of 317 West 125th Street in Manhattan so that she could enter a store at the location. Inside the vehicle were § 87(2)(b), § 87(2)(b) and § 87(2)(b). After being inside the store for approximately five minutes, she exited the store. A female motorist who was arguing that § 87(2)(b)'s vehicle was blocking her parked vehicle. § 87(2)(b) entered her vehicle and moved her vehicle in a newly-vacated parking spot. Officer Vincente and Sergeant Mascol went to the location and Officer Vincente informed § 87(2)(b) that she would be receiving a summons. § 87(2)(b) attempted to use her hand to obstruct Officer Vincente's view of her vehicle registration information to prevent her from writing her a summons, and told Officer Vincente and Sergeant Mascol that they could not give her a summons because she had not done anything wrong. § 87(2)(b) asked what the summons was for, and Sergeant Mascol told § 87(2)(b) "I know you're not getting smart with my colleague. You[re] acting like you're 20; ain't you 60 years old? Ain't you an old lady?" § 87(2)(b) responded, "Your mother and everyone who looks like you. § 87(2)(b) and Sergeant Mascol engaged in a heated argument. § 87(2)(b) alleged that Sergeant Mascol called her a "bitch" at least three times using various constructions like "fat bitch," "old bitch," "bum bitch."

In her testimony to the CCRB, § 87(2)(b) stated that both § 87(2)(b) and Sergeant Mascol used profanity when arguing with one another. She did not provide recall what profanities § 87(2)(b) and Sgt. Mascol said (Board Review 02).

Sgt. Mascol provided a statement to the CCRB on April 16, 2019 (Board Review 06). She stated that after Officer Vincent issued a parking summons to § 87(2)(b) § 87(2)(b) began to yell at the officers, berating them and disputing their ability to issue her a summons. As she yelled, she called both officers “bitches” and asked them why they were giving her a “fucking summons.” Sergeant Mascol denied that she called § 87(2)(b) a bitch or used any profanity.

Officer Vicente provided a statement to the CCRB that was consistent with that of Sergeant Mascol, with the additional information that § 87(2)(b) called them “fucking whores” (Board Review 07).

§ 87(2)(g)
[REDACTED]

Allegation (B) Discourtesy: Inside the 28th Precinct stationhouse, Sergeant Elvetia Mascol spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that she traveled to the 28th Precinct stationhouse with § 87(2)(b). As she was providing details of her complaint, she observed Sgt. Mascol and Officer Vicente inside the stationhouse. She characterized her interaction with Sgt. Mascol inside the stationhouse as “nothing but profanity.” She did not recall specifically what either she or Sergeant Mascol said (Board Review 01).

While § 87(2)(b) affirmed that § 87(2)(b) and Sergeant Mascol loudly argued in the precinct stationhouse, she did not state whether either § 87(2)(b) or Sergeant Mascol used profanity. (Board Review 02).

Lieutenant Caleb, Sgt. Mascol, and PO Vicente testified that § 87(2)(b) used profanity towards officers. None of them testified that Sgt. Mascol used any profanity towards § 87(2)(b) (Board Review 03, Board Review 04, Board Review 05).

§ 87(2)(g)
[REDACTED]

Allegation (C) Abuse of Authority: Inside the 28th Precinct stationhouse, Lieutenant Senta Caleb threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that as § 87(2)(b) and Sergeant Mascol argued with one another, Lieutenant Caleb came down the stairs to the area where they were. At the time, § 87(2)(b) had her phone in her hand. The phone was in Photo Mode but was not recording. When Lieutenant Caleb observed § 87(2)(b)'s phone, she told her to put the phone away or she would be "locked up." § 87(2)(b) and § 87(2)(b) then left the stationhouse. § 87(2)(b) provided a similar statement to that of § 87(2)(b).

Lieutenant Caleb observed § 87(2)(b) holding her phone, and recording inside the stationhouse. She could see § 87(2)(b)'s phone screen and that she was recording. She informed § 87(2)(b) that she could not record in the stationhouse, but did not say she could be arrested for it (Board Review 04).

Sgt. Mascol's testimony was consistent with Lieutenant Caleb's. She also stated that when Lieutenant Caleb informed § 87(2)(b) that she could not record in the stationhouse, Sgt. Mascol pointed out the sign inside the 28th Precinct stationhouse that informed civilians they could not record in police facilities (Board Review 03). PO Vicente's testimony was consistent with that of Sergeant Mascol.

NYPD Patrol Guide Procedure 203-29 Section 7 states that members of the public are not allowed to photograph and/or record police activity within Department Facilities. Members of service may order any member of the public who is photographing or recording within department facilities to stop such activity. If such person refuses to leave the premises, they then should be ordered to leave the premises. If such person refuses to leave the premises, members of the service may take proper enforcement action under the trespass statutes (i.e., Penal Law Sections 140.05 and 140.10) (Board Review 13).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed two prior CCRB complaints (Board Review 11).
 - § 87(2)(b) [REDACTED]
- This is the first complaint in which § 87(2)(b) was a party (Board Review 12).

- Sgt. Mascol has been a member of service for fifteen years, and has been the subject of five CCRB allegations, with a total of twelve allegations, none of which were substantiated. § 87(2)(g)
- Lieutenant Caleb has been a member of service for fourteen years, and has been the subject in seven CCRB allegations, with a total of fifteen allegations. None of the allegations were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) accepted mediation during their CCRB interviews. The case was sent to mediation on February 11, 2019, but was returned to investigation on April 5, 2019 when Lieutenant Caleb and Sgt. Mascol rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 12

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date